



UNITED STATES MARINE CORPS

(b) (6)

2D MARINE DIVISION

PSC BOX (b) (6)

CAMP LEJEUNE, NC 28542 (b) (6)

IN REPLY REFER TO:

5830

Legal

29 Sep 16

FIRST ENDORSEMENT on Capt (b) (6) ltr 5830 of 23 Sep 16

From: Commanding Officer

To: Files

Subj: PRELIMINARY INQUIRY INTO THE FACTS AND CIRCUMSTANCES
SURROUNDING A PHYSICAL ALTERCATION IN THE CASE OF LANCE
CORPORAL (b) (6) /0321 USMC

1. I have reviewed the investigation and concur with the findings of the Investigating Officer.
2. Captain (b) (6) will be counseled for not reporting the physical altercation or follow-on medical treatment received by the Marines involved.
3. First Sergeant Brown will be relieved for cause for lying to the Executive Officer and the Investigating Officer.
4. The point of contact for this matter is Lieutenant Colonel (b) (6) at commercial (b) (6) or email at (b) (6)

(b) (6)



UNITED STATES MARINE CORPS

(b) (6)
2D MARINE DIVISION
PSC BOX (b) (6)
CAMP LEJEUNE, NC 28542 (b) (6)

5830
Legal
23 Sept 16

From: Captain (b) (6) /0402 USMC
To: Commanding Officer

Subj: PRELIMINARY INQUIRY INTO THE FACTS AND CIRCUMSTANCES
SURROUNDING A PHYSICAL ALTERCATION IN THE CASE OF LANCE
CORPORAL (b) (6) /0321 USMC

Ref: (a) JAGINST 5800.7F - Manual of the Judge Advocate General
(b) Manual for Courts-Martial 2012

Encl: (1) Commanding Officer, (b) (6), Appointment Letter of 6 Jul 2016
(2) Volunteer Statement for First Sergeant Adam L. Brown 1240921185/8999 USMC dtd 20160921 (Privacy Act Statement and Article 31 Rights attached)
(3) Voluntary Statement for First Sergeant Adam L. Brown 1240921185/8999 USMC dtd 20160822
(4) Volunteer Statement for Captain (b) (6) /0307 USMC dtd 20160921 (Privacy Act Statement and Article 31 Rights attached)
(5) Voluntary Statement for Captain (b) (6) /0307 USMC dtd 20160822
(6) Volunteer Statement for HM2 (b) (6) /8427 USN dtd 20160920 (Privacy Act Statement attached)
(7) Voluntary Statement for HM2 (b) (6) /8427 USN Email dtd 20160822
(8) Volunteer Statement for Major (b) (6) /0302 USMC dtd 20160922 (Privacy Act Statement attached)
(9) Volunteer Statement for Corporal (b) (6) /0321 USMC dtd 20160921 (Privacy Act Statement attached)
(10) Company Commander Counseling from Lieutenant Colonel (b) (6) (b) (6) /0307 USMC to Captain (b) (6) /0307 USMC dtd 20160127
(11) Email from Sergeant (b) (6) /0111 USMC
(12) Photograph of Corporal (b) (6) /0321 USMC after injuries sustained from a physical altercation on 21 August 2016

1. This reports completion of the preliminary inquiry conducted in accordance with reference (a) into the facts and circumstances surrounding a physical altercation in the case of Lance Corporal (b) (6) /0321 USMC.

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a. A verbal extension was requested and approved due to a delay in (b) (6) Company's redeployment. (b) (6) Company was originally scheduled to redeploy on Saturday, 10 September 2016. (b) (6) Company's actual redeployment date was Tuesday, 20 September 2016. A written extension was not possible, as the Commanding Officer was in a Temporary Additional Duty status in Quantico, Virginia at the time the extension was requested.

b. (b) (6) Company executed a 96 hour special liberty period beginning on Thursday, 22 September 2016. This allotted only a 24 hour period to obtain statements from all relevant parties involved that were deployed-for-training in (b) (6).

2. Personnel Contacted:

a. First Sergeant Adam L. Brown 1240921185/8999 USMC, Company First Sergeant, (b) (6) Company, (b) (6) (716) 830-1664. First Sergeant Brown was the Company First Sergeant for the 2016 (b) (6). First Sergeant Brown gave two voluntary statements. One statement was submitted to the Battalion Executive Officer, Major (b) (6), on 22 August 2016. The second statement was submitted on 22 September 2016 as part of the preliminary inquiry. See encls (2) and (3).

b. Captain (b) (6) /0307 USMC, Company Commander, (b) (6) Company, (b) (6) (b) (6). Captain (b) (6) was the Company Commander for the 2016 (b) (6). Captain (b) (6) gave two voluntary statements. One statement was submitted to the Battalion Executive Officer, Major (b) (6), on 22 August 2016. The second statement was submitted on 22 September 2016 as part of the preliminary inquiry. See encls (4) and (5).

c. HM2 (b) (6) /8427 USN, (b) (6) Corpsman (b) (6). HM2 (b) (6) was the senior Corpsman present for the 2016 (b) (6). HM2 (b) (6) gave two voluntary statements. One statement was submitted to the Battalion Executive Officer, Major (b) (6), on 22 August 2016. The second statement was submitted on 22 September 2016 as part of the preliminary inquiry. See encls (6) and (7).

d. Major (b) (6) /0302 USMC, Battalion Executive Officer, (b) (6) (b) (6) (b) (6). Major (b) (6) was the Officer-In-Charge for the 2016 (b) (6). Major (b) (6) gave a voluntary statement. See encl (8).

e. Corporal (b) (6) /0321 USMC, (b) (6) Marine, (b) (6) Company, (b) (6) (b) (6). Corporal (b) (6) gave a voluntary statement. See encl (9).

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f. Captain (b) (2), (b) (6) /0307 USMC, Company Executive Officer, (b) (6) Company, (b) (6) (b) (6). Captain (b) (6) was the Company Executive Officer for the 2016 (b) (6). Captain (b) (6) was willing to submit a voluntary statement but possessed negligible information useful for the purposes of this inquiry. Therefore, no statement was captured.

g. Master Chief (b) (6) /5341 USN, (b) (6), (b) (6). Master Chief (b) (6) was the senior United States Navy representative for the 2016 (b) (6). Master Chief (b) (6) was willing to submit a voluntary statement but didn't possess first-hand information of what occurred. The verbal account he gave of what occurred on 22 August 2016 in (b) (6) matched HM2 (b) (6) statement.

h. Sergeant (b) (6) (b) (6) /0111 USMC, (b) (6) Administration Chief, (b) (6). Sergeant (b) (6) verified that neither Captain (b) (6) nor First Sergeant Brown possessed adverse material in their official record such as non-judicial punishment or a 6105 entry. See encl (11).

i. Corporal (b) (6) /0321 USMC, was not contacted for this inquiry. There was insufficient time to capture his statement, as there was only a 24 hour window between the redeployment from (b) (6) until (b) (6) Company executed a 96 hour special liberty period. Although Corporal (b) (6) was the initial subject of the investigation, it quickly became apparent that the details of the physical altercation that occurred on 21 August 2016 were far less significant than the events that transpired afterwards.

3. Materials Reviewed:

- a. References (a) and (b).
- b. Encls (3) through (12).

4. Summary of Findings:

a. Background. (b) (6) Company (reinforced), (b) (6) deployed-for-training to (b) (6) as part of the 2016 (b) (6). Attachments from the Battalion's Dive section, Battalion-Aid-Station, and other enablers from Headquarters and Support Company deployed in direct support of (b) (6) Company. Major (b) (6), the Battalion's Executive Officer, deployed with (b) (6) Company as the exercise's Officer-In-Charge. (b) (6) Company's advanced party deployed to (b) (6) on Thursday, 18 August 2016. The main body deployed from (b) (6) on Saturday, 20 August 2016. Throughout the exercise, Marines and Sailors were billeted aboard the (b) (6) located near the (b) (6). The main body was scheduled to redeploy on Saturday, 10 September 2016, however, maintenance issues with

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the C-17 aircraft delayed redeployment until Monday, 19 September 2016. On 19 September 2016, bad weather caused the flight to redirect from (b) (6) to (b) (6). The flight arrived at (b) (6) on Tuesday, 20 September 2016.

b. Narrative of Events.

(1) (b) (6) Company's main body deployed and arrived in (b) (6) on 20 August 2016. (b) (6) Company received its first evening of liberty on 21 August 2016. Internal procedures dictated that an Officer of the Day (OOD) and an Assistant Officer of the Day (AOOD) be established, and liberty was to be secured at 2300. The OOD was directed to report accountability at the conclusion of liberty to the Company Commander and Company First Sergeant. Final accountability was to be reported to the exercise's Officer-In-Charge.

(2) Several Marines from (b) (6) Company carpooled from the (b) (6) to an area of (b) (6) often referred to as the "High-Rise" area. This area stretches along the (b) (6) of the island along the beach. The "High-Rise" area is the most populated area of the island, consisting of mostly vacationers and those arriving at port from vacation cruises. The majority of partying occurs in this area. Corporal (b) (6), Corporal (b) (6), and Lance Corporal (b) (6) were among those who carpooled to the "High-Rise" area to enjoy themselves while on liberty in (b) (6). All three consumed approximately four beers, however, no one was allegedly unreasonably intoxicated.

(3) During the ride back to base, Corporal (b) (6) and Corporal (b) (6) became involved in a verbal altercation. The altercation became increasingly more aggressive and when the vehicle arrived at the base, the two Marines initiated a physical altercation where several punches were thrown back and forth. Lance Corporal (b) (6) attempted to break up the fight but was repeatedly provoked by Corporal (b) (6), and Lance Corporal (b) (6) inevitably struck Corporal (b) (6) in the face a couple of times. The physical altercation only lasted a couple of minutes. At the conclusion, those involved and those standing by went their separate ways. No further altercations emerged during the remainder of the deployment from the three Marines involved in the physical altercation.

(4) Corporal (b) (6) and Lance Corporal (b) (6) received negligible injuries from the physical altercation. Corporal (b) (6) sustained bruising and swelling on his face, particularly around his eyes. He also had several small lacerations on his face from being punched. See encl (12). HM2 (b) (6), the (b) (6) from the Battalion's Battalion Aid Station, triaged all three Marines and treated Corporal (b) (6) injuries. HM2 (b) (6) recommended that Corporal (b) (6) be evaluated by medical staff aboard (b) (6) the following morning. He was treated by the (b) (6) medical staff at 0800 on the morning of 22 August 2016. Results concluded that he suffered no serious injuries, however, it was recommended he not participate in the all-terrain vehicle training later that day to avoid infection.

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(5) After HM2 (b) (6) treated all three Marines late in the evening on Sunday, 21 August 2016, the OOD and AOOD (Gunnery Sergeant (b) (6) and Staff Sergeant (b) (6) (b) (6) briefed First Sergeant Brown that all personnel had returned on time from liberty. They also briefed First Sergeant Brown the details of the physical altercation and that HM2 (b) (6) had triaged and treated the three Marines involved. Thereafter, HM2 (b) (6), First Sergeant Brown, and the Company's two platoon commanders briefed Captain (b) (6) on the altercation and medical treatment provided by HM2 (b) (6). Captain (b) (6), First Sergeant Brown, and Major (b) (6) all attested to the fact that this incident was not reported to Major (b) (6), the exercise's Officer-In-Charge. Captain (b) (6) felt that the incident did not require reporting since no one was seriously injured and the conflict had been resolved between all participants following the fight.

(6) On the evening of Monday, 22 August 2016, (b) (6) Company was having an evening meal at approximately 1700. Major (b) (6), First Sergeant Brown, Captain (b) (6), Captain (b) (6), and a few others were all sitting together at the same table. Major (b) (6) was seated next to First Sergeant Brown. Captain (b) (6) and Captain (b) (6) were in close proximity to Major (b) (6) and First Sergeant Brown. Corporal (b) (6) had finished his meal and walked towards the scullery to return his tray. He walked past Major (b) (6), who noticed the bruising and lacerations on his face from the physical altercation from the night before. After Corporal (b) (6) returned his tray to the scullery and attempted to exit the mess hall, Major (b) (6) stopped him and asked what happened. Corporal (b) (6) briefly described the physical altercation and the medical treatment he received. This was alarming to Major (b) (6) (this was the point during the inquiry when statements began conflicting with one another).

(a) Major (b) (6) stated that he was sitting next to First Sergeant Brown and asked him specifically if he was aware of the incident, and he said "no." Major (b) (6) told First Sergeant Brown that he has issues with his Corpsmen, since Corporal (b) (6) had obviously received medical treatment. First Sergeant Brown agreed and said he would take care of the matter. Major (b) (6) was not certain if Captain (b) (6) heard the conversation.

(b) Captain (b) (6) said he saw Major (b) (6) asking Corporal (b) (6) what happened but could not hear what was being said since he was several seats away. In his statement during the inquiry, Captain (b) (6) said that if First Sergeant Brown was asked if he knew about the situation and responded "no" then First Sergeant Brown did not give a true statement. When asked why he thought First Sergeant Brown would give a false statement, he gave two possible reasons. One, since Captain (b) (6) had not actually seen Corporal (b) (6) since the altercation took place, he may not have wanted to report it since Captain (b) (6) did not. Also, "he may have felt uncomfortable disclosing the information to Major (b) (6) because he did not trust that the situation would be handled in proportion to its level of actual severity."

(c) First Sergeant Brown said after Major (b) (6) spoke with Corporal (b) (6), Major (b) (6) "asked the entire table if any of us knew what had transpired, and I let Captain (b) (6) answer. He (Captain (b) (6)) said no when in fact, he did." Additionally, he said "I felt it was Captain (b) (6) responsibility to inform Major (b) (6) about what occurred since he was responding to Major (b) (6)." During the inquiry, when First Brown was asked if Captain (b) (6) lied, he said

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“Yes. Captain (b) (6) apologized to me later and said he took responsibility for what happened and should have reported it to Major (b) (6).” First Sergeant Brown also said Major (b) (6) was upset because, allegedly, Corpsmen treated a Marine without him knowing.

(7) After evening chow on 22 August 2016, First Sergeant Brown and HM2 (b) (6) had a conversation outside of the Boat Maintenance facility aboard (b) (6). Their accounts of what was said are different:

(a) HM2 (b) (6) stated that First Sergeant Brown approached him at approximately 1715 and informed him the XO was asking Corporal (b) (6) questions about what happened. First Sergeant Brown said “I’m letting you know the XO is under the impression that Corporal (b) (6) was treated without the chain of command being notified. I let the XO know you had treated Corporal (b) (6) and I just wanted you on the same page in case you are questioned.” HM2 (b) (6) interpreted the conversation to mean that First Sergeant Brown wanted everyone to have their stories straight to avoid getting into trouble and that he wanted him (HM2 (b) (6)) to accept blame for not reporting the incident.

(b) During the inquiry, First Sergeant Brown validated in his statement that he did speak with HM2 (b) (6) after evening chow on 22 August 2016. He said HM2 (b) (6) misunderstood what he was saying. First Sergeant Brown claimed that he wanted to inform HM2 (b) (6) that he did nothing wrong, however, Major (b) (6) was currently under the impression that he had treated the Marines without reporting it. Since Major (b) (6) was visibly upset that a Corpsman treated a Marine without reporting it, he wanted to let HM2 (b) (6) know he should let Major (b) (6) know that he did everything right and reported it to the Company. He did not want HM2 (b) (6) “to feel like he was the fall guy for the incident being mishandled.” First Sergeant Brown was on his way to a company synch meeting, so it was a brief conversation that he believes was misunderstood by HM2 (b) (6).

(8) HM2 (b) (6) was uncomfortable with feeling like he was going to be held responsible for something (b) (6) Company’s leadership should have reported. That evening, he spoke with Master Chief (b) (6) to inquire about what he ought to do. At approximately 1830, Master Chief (b) (6) quickly ushered him to Major (b) (6) room and had HM2 (b) (6) explain the conversation. According to Major (b) (6) statement, he called the Commanding Officer and informed him that he believed the Company Commander and First Sergeant were lying. He was instructed to obtain statements and establish a timeline of the incident. Major (b) (6) performed the tasks he was instructed to complete and the incident was not spoken about until redeployment.

5. Opinions:

(b) (5)

(b) (5)

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(b) (5)

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6. Recommendation:

(b) (5)

(b) (5)

(b) (5)

(b) (6)



UNITED STATES MARINE CORPS

(b) (6)
2D MARINE DIVISION
PSC BOX (b) (6)
CAMP LEJEUNE, NC 28542 (b) (6)

5800
Legal
12 Sept 16

From: Commanding Officer
To: Captain (b) (6) /0402 USMC

Subj: PRELIMINARY INQUIRY INTO THE FACTS AND CIRCUMSTANCES SURROUNDING
A PHYSICAL ALTERCATION IN THE CASE OF LANCE CORPORAL (b) (6)
(b) (6) /0321 USMC

Ref: (a) JAG Manual

1. This appoints you, per chapter II of reference (a), to inquire into the facts and circumstances surrounding a physical altercation in the case of Lance Corporal (b) (6), on or around 22 August 2016. Furthermore, you are directed to inquire into how the incident was reported.
2. Provide a summary of your findings no later than 15 September 2016 unless granted an extension. An extension may be requested via written correspondence to me detailing your justification.
3. You are directed to read chapter II of reference (a) in its entirety prior to conducting your inquiry. You are directed to seek legal advice from the (b) (6) Legal Officer and the 2d Marine Division Staff Judge Advocate during the course of your inquiry.
4. By copy of this appointing order, command administrative personnel are directed to furnish necessary clerical assistance.

(b) (6)

ENCLOSURE (1)

VOLUNTEER STATEMENT FORM

Date/Time: 20160921/2000

Place: Camp Lejeune, NC (b) (6)

Investigating Officer: Captain (b) (6) /0402 USMC

Interviewee: First Sergeant Adam L. Brown 1240921185/8999 USMC

Statement:

Q: What dates were you deployed-for-training to (b) (6) as part of the (b) (6)?

A: 20 August 2016 to 20 September 2016

Q: When did you first learn of the physical altercation between Corporal (b) (6), Corporal (b) (6), and Lance Corporal (b) (6), that occurred on Sunday, 21 August 2016, while aboard (b) (6)?

A: Right as liberty expired on 21 August 2016, the company's appointed Officer of the Day came to report accountability of personnel and informed Captain (b) (6) and myself of the incident.

Q: Who briefed you on the incident?

A: The Officer of the Day, Gunnery Sergeant (b) (6) and Staff Sergeant (b) (6).

Q: What injuries were reported to you, if any?

A: Swollen eye for Corporal (b) (6) with small lacerations on his face. The other two were fine.

Q: Who tended to Corporal (b) (6) injuries on 21 August 2016?

A: I asked if anyone required medical attention and the Officer of the Day informed me the Corpsmen were evaluating the Marines and treating them where necessary.

Q: When was the first time you saw Corporal (b) (6) after the physical altercation?

A: Evening chow on 22 August 2016.

Q: Where did you eat on the evening of Monday, 22 August 2016?

A: (b) (6) Chow Hall.

Q: Who was there with you at the table?

A: Major (b) (6) (Battalion Executive Officer), Captain (b) (6) (Company Commander), and Captain (b) (6) (Company Executive Officer).

Q: At evening chow, on 22 August 2016, Major (b) (6) noticed the injuries Corporal (b) (6) sustained from the physical altercation from the previous day. Major (b) (6) asked Corporal (b) (6) what happened. Did you hear this conversation?

A: Yes.

Q: If you heard the conversation, what was said?

A: Corporal (b) (6) told Major (b) (6) that he was involved in a small fight.

Q: Immediately after Corporal (b) (6) left, did Major (b) (6) ask you if you knew anything about the incident?

A: He asked the table if any of us knew what had transpired, and I let Captain (b) (6) answer.

Q: What did Captain (b) (6) say?

A: He said "No" when in fact, he did.

Q: If you were already aware of what occurred, why didn't you tell Major (b) (6) what happened?

A: I felt it was Captain (b) (6) responsibility to inform Major (b) (6) about what occurred since he was responding to Major (b) (6).

Q: Is it safe to say Captain (b) (6) lied to Major (b) (6)?

A: Yes. Captain (b) (6) apologized to me later and said he took responsibility for what happened and should have reported it to Major (b) (6).

Q: Was anything else said by Major (b) (6)?

A: Major (b) (6) asked me why medical didn't notify anyone about treating the injuries and I said I would take care of it. He was visually upset with the fact that medical hadn't reported the incident.

Q: Did you have a conversation with HM2 (b) (6) after evening chow on 22 August 2016 near the Boat Maintenance Facility?

A: Yes.

Q: HM2 (b) (6) stated he had a conversation with you on 22 August 2016 near the Boat Maintenance Facility. He said that you reminded him that the matter was being held at the company level and that Major (b) (6) was asking questions about the physical altercation. Further, he said you stated that Major (b) (6) is under the impression Corporal (b) (6) was treated by him (HM2 (b) (6)) without the command being notified, and that you (First Sergeant Brown) told Major (b) (6) it was HM2 (b) (6) who had treated him. Is that a true statement?

A: It was not a true statement in regard to keeping the matter at the company level. I spoke with him to inform him that he had done nothing wrong and in fact did everything right by reporting it to his chain of command. It was the company leadership's responsibility to report the incident. I told him that if Major (b) (6) asked him anything about the incident, that he tell him the truth about telling his leadership. It was a brief conversation that took place in about 5 minutes, right before another meeting that I had to attend. I believe he misunderstood what I was trying to convey to him. I didn't want him to feel like he was the fall guy for the incident being mishandled.

Q: When did the topic of the altercation resurface with Major (b) (6) after evening chow on 22 August 2016?

A: When I had my Article 31 rights read to me that evening.

Q: How would you describe Captain (b) (6) character?

A: We've only worked together since July 2016, however, he's very hard working and is very candid.

Q: Captain (b) (6) stated that when Major (b) (6) was asking Corporal (b) (6) about his injuries, that he did not hear the conversation. Do you think that is true?

A: I often have to repeat myself when speaking to him, it is possible he did not hear.

Q: Captain (b) (6) said he saw you and Major (b) (6) having a conversation after Major (b) (6) had spoken with Corporal (b) (6). However, he stated he couldn't hear what was said. Do you think that is true?

A: When Major (b) (6) asked if any of us knew about the incident, it was evident he was addressing the entire table. Captain (b) (6) replied to him that he was not aware of the incident.

I am currently the Company First Sergeant for (b) (6) Company, (b) (6), 2nd Marine Division, Camp Lejeune, North Carolina, 28542. I can be reached at 716-830-1664.

Signature of Investigating Officer:

(b) (6)

Signature of Interviewee:

MAB 20160921

PRIVACY ACT STATEMENT

Name: ADAM L. BROWN

Rank/Rate: 1STSGT / E-8

Activity: USMC

Unit: (b) (6)

Telephone number: 716-830-1664

Today, 21 SEPT, 2016, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651-2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

- a. Determinations on disciplinary or punitive action.
- b. Evaluation of petitions, grievances, and complaints.
- c. Other determinations, as required, in the course of naval administration.
- d. Public information releases.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlements, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

- a. Where an individual is a subject of an investigation for purpose 2a, above:

Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the

ENCLOSURE (2)

[personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be on the basis of the evidence that is contained in the investigative record.

 20K0921

(Signature and date)

ENCLOSURE (2)

ARTICLE 31 RIGHTS

Name: ADAM L. BROWN Rank/Rate: 1STSGT/E-8
Activity: USMC Unit: (b) (6)
Telephone Number: 716-830-1664

I have been advised that I am suspected of the offense (s) of: Article 107 (Falsifying an Official Statement) of the UCMJ and that:

- (AB)) I have the right to remain silent.
- (AB)) Any statement I do make may be used as evidence against me in trial by court martial.
- (AB)) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.
- (AB)) I have the right to have such retained civilian lawyer and/or appointed military lawyer present to terminate this interview at any time.

WAIVER OF RIGHTS

- (AB)) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
- (AB)) I expressly desire to waive my right to remain silent.
- (AB)) I expressly desire to make a statement.
- (AB)) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- (AB)) I expressly do not desire to have such a lawyer present with me during this interview.
- (AB)) This acknowledgement and waiver of rights is made freely and voluntarily by me, and without and promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b) (6)

AB 20160921
(Member's Signature and Date)

VOLUNTARY STATEMENT

Name Adam L Brown Rank/Rate 1st Sgt Social Security Number 1240921185
Command (b) (6) Division 2d Marine Div
Section (b) (6) Company Phone 716 830-1664

I, Adam L Brown, hereby make the following statement:

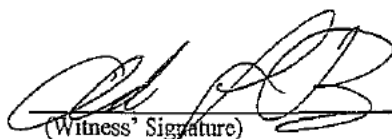
On August 21st, around 2315, GySgt (b) (6) and SSgt (b) (6) knocked on my barracks door. When I opened the door, the two of them were standing with the company commander, Captain (b) (6). The platoon sergeants reported that their platoons were all accounted for after off base liberty secured at 2300. The platoon sergeants then proceeded to tell Captain (b) (6) and myself about a couple of Marines getting in to a minor altercation in the barracks between themselves. They stated the Cpl (b) (6) and LCpl (b) (6) were having an argument and that LCpl (b) (6) was trying to break it up. In the process of breaking up the fight, LCpl (b) (6) had sustained an injury to his eye, that was starting to swell. The platoon sergeants stated that Hn² (b) (6) treated all three Marines involved and said none of their injuries were serious but still wanted to have LCpl (b) (6) reevaluated in the morning, after the swelling went down. Captain (b) (6) and myself had no further questions for the platoon sergeants, so we dismissed them back to their rooms. I then asked Captain (b) (6) if he wanted me to do anything and he said "no" I then proceeded back inside my room.

On August 22 2016, at Evening chow, it was brought to my attention that the Battalion Executive Officer, Major (b) (6), was not informed about the altercation between the Marines. Upon seeing the bandage on LCpl (b) (6) eye, he made the comment that (b) (6) should have notified the chain of command immediately upon helping a Marine. I agreed with that statement and the next time I saw Hn² (b) (6), which was around 1750, I pulled him aside to let him know that he did nothing wrong and that we should have ensured that the incident was pushed up higher in the chain of command, the moment we found out. I didn't want him to feel like the fall guy for the incident not getting reported properly. He said he understood and we went back to continue post-die while I went to the company sign meeting.

ENCLOSURE (3)

Lined area for statement content.

I swear (or affirm) that the information in the statement above and on the ____ attached page(s) is true to the best of my knowledge or belief.


(Witness' Signature)

2016 08 22
(Date)

2129
Time

Sworn to and subscribed before me on this date.

(Investigator's Signature)

(Date)

Time

ENCLOSURE (3)

VOLUNTEER STATEMENT FORM

Date/Time: 20160921/1700

Place: Camp Lejeune, NC (b) (6)

Investigating Officer: Captain (b) (6) /0402 USMC

Interviewee: Captain (b) (6) /0307 USMC

Statement:

Q: What dates were you deployed-for-training to (b) (6) as part of the (b) (6)?

A: 18 August 2016 through 20 September 2016

Q: When did you first learn of the physical altercation between Corporal (b) (6), Corporal (b) (6), and Lance Corporal (b) (6), that occurred on Sunday, 21 August 2016, while aboard (b) (6)?

A: Late in the evening on 21 August 2016.

Q: Who briefed you on the incident?

A: Captains (b) (6) and (b) (6), HM2 (b) (6), and First Sergeant Brown.

Q: Was First Sergeant Brown briefed on what occurred that evening?

A: Yes, when I was briefed, First Sergeant Brown was present.

Q: What injuries were reported to you, if any?

A: Corporal (b) (6) and Lance Corporal (b) (6) had black eyes and minor lacerations on their face. It was reported that Lance Corporal (b) (6) was fine and Corporal (b) (6) required further evaluation and potentially stitches the next morning. Neither one of them were significantly injured and expected to be able to continue training.

Q: When was the first time you saw Corporal (b) (6) after the physical altercation?

A: The following evening after the Battalion Executive Officer asked him what occurred.

Q: Did you report the incident to the Battalion Executive Officer, Major (b) (6)?

A: No.

Q: Why not?

A: I did not think this was a serious incident that required reporting; both Marines were not significantly injured and the conflict had been resolved between all participants following the fight.

Q: Where did you eat on the evening of Monday, 22 August 2016?

A: Dining facility on the (b) (6) Marine Base.

Q: Who was there with you at the table?

A: Major (b) (6), Captain (b) (6), and First Sergeant Brown. Others may have been present that I do not recall.

Q: At evening chow, on 22 August 2016, Major (b) (6) noticed the injuries Corporal (b) (6) sustained from the physical altercation from the previous day. Major (b) (6) asked Corporal (b) (6) what happened and Corporal (b) (6) explained the fight and the medical treatment he received afterwards. Did you hear this conversation?

A: I saw Major (b) (6) asking him what happened but couldn't hear what was being said.

Q: Immediately after Corporal (b) (6) left, Major (b) (6) asked First Sergeant Brown if he knew anything about the incident and First Sergeant Brown said he was not aware of what had happened. Do you think First Sergeant Brown gave a true statement?

A: I do not think that was a true statement.

Q: If First Sergeant Brown was already aware of what occurred, why would he tell Major (b) (6) he wasn't aware of the altercation?

A: Two possible reasons: one, he may have made such a statement because I did not say anything at dinner when Major (b) (6) initially asked about Corporal (b) (6) due to the fact I had not seen him. Two, he may have felt uncomfortable disclosing the information to Major (b) (6) because he did not trust that the situation would be handled in proportion to its level of actual severity.

Q: Did you sit with Major (b) (6) and First Sergeant Brown that evening for chow?

A: Yes.

Q: Were you part of a conversation that evening concerning Corporal (b) (6) physical altercation and the injuries he received with Major (b) (6) and First Sergeant Brown?

A: No. I was several seats away at the table and couldn't hear what was said between Major (b) (6) and First Sergeant Brown.

Q: When did the topic of the altercation resurface with Major (b) (6)?

A: Later on that evening on 22 August 2016, Major (b) (6) knocked on my door and he read me Article 31 rights, accusing me of falsifying an official statement. The Battalion (b) (6) was present as a witness. Major (b) (6) then requested a statement from me regarding what occurred.

Q: How would you describe First Sergeant Brown's character?

A: First Sergeant Brown has been with the company for only about two months, so I'm still forming an opinion of his character. He has worked hard, contributed experience and expertise to the company, and has been up front with me in the past about issues that arise within the company. However, it is apparent that he is relatively career-oriented and political to the effect that it benefits his professional progression. He can be timid at times and is out of physical shape, which can detract from his presence with the Marines. I have had no issues with dishonesty or communication from First Sergeant Brown prior to this incident.

I am currently the (b) (6) for (b) (6) Company, (b) (6), 2nd Marine Division, Camp Lejeune, North Carolina, 28542. I can be reached at (b) (6).

Signature of Investigating Officer:

(b) (6)

Signature of Interviewee:

(b) (6)

PRIVACY ACT STATEMENT

Name: (b) (6)

Rank/Rate: CAPT/O-3

Activity: USMC

Unit: (b) (6)

Telephone number: (b) (6)

Today, 21 Sept, 2016, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651-2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

- a. Determinations on disciplinary or punitive action.
- b. Evaluation of petitions, grievances, and complaints.
- c. Other determinations, as required, in the course of naval administration.
- d. Public information releases.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlements, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

- a. Where an individual is a subject of an investigation for purpose 2a, above:

Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the

ENCLOSURE (4)

[personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be on the basis of the evidence that is contained in the investigative record.

(b) (6)

(Signature and date)

ENCLOSURE (4)

ARTICLE 31 RIGHTS

Name: (b) (6) Rank/Rate: CAPT/O-3
Activity: USMC Unit: (b) (6)
Telephone Number: (b) (6)

I have been advised that I am suspected of the offense (s) of: Article (b) (6) of the UCMJ and that:

(b) (6) I have the right to remain silent.

(b) (6) Any statement I do make may be used as evidence against me in trial by court martial.

(b) (6) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.

(b) (6) I have the right to have such retained civilian lawyer and/or appointed military lawyer present to terminate this interview at any time.

WAIVER OF RIGHTS

(b) (6) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b) (6) I expressly desire to waive my right to remain silent.

(b) (6) I expressly desire to make a statement.

(b) (6) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

(b) (6) I expressly do not desire to have such a lawyer present with me during this interview.

(b) (6) This acknowledgement and waiver of rights is made freely and voluntarily by me, and without and promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b) (6)
(Witness's Signature and Date)

(b) (6)
(Witness's Printed Name)

(b) (6)
(Member's Signature and Date)

At or around 2330 on 21 August 2016, Capt (b) (6) Capt (b) (6) and HM2 (b) (6) knocked on the door of my room at (b) (6) and notified me that LCpl (b) (6), LCpl (b) (6), and LCpl (b) (6) were involved in an interpersonal altercation at their barracks in (b) (6). They communicated that LCpls (b) (6) and (b) (6) required minor medical treatment for lacerations and swelling, and that LCpl (b) (6) would be evaluated for possibly needing stitches. They communicated that the injuries were minor in nature and showed no signs of concussion. Expectations were that the two would be able to continue training after follow-up in the morning with the recommendation that LCpl (b) (6) not initially participate in planned RZR training until after the follow-up as a precaution.

On the morning of 22 August, Capt (b) (6) and HM2 (b) (6) updated me that LCpl (b) (6) required no stitches and could continue training. On the evening of 22 August at or around 1700, the Battalion XO observed LCpl (b) (6) in the dining facility and inquired about the appearance of his face. I had not yet seen the effect of LCpl (b) (6) injuries as he had been at a different training venue than myself during the day and I did not observe him in the dining facility when he was observed by the Battalion XO because my back was to the area where LCpl (b) (6) passed by, so I did not speak up before the Battalion XO personally asked LCpl (b) (6) what happened to his face, to which LCpl (b) (6) responded to the effect that he had been in a fight at the barracks. At the evening training meeting at 1800, SSgt (b) (6) elaborated on the events of the previous night when I inquired about the details of the altercation having seen the effects. He informed me that (b) (6) and (b) (6) had been in an altercation. He informed me that (b) (6) attempted to break up the altercation, but both of the initial belligerents ((b) (6) and (b) (6)) continued to be violent, this time directing their blows at (b) (6). He informed me that in self defense, (b) (6) hit (b) (6), who ceased his striking. He informed me that (b) (6) continued to strike at (b) (6), who in self defense hit (b) (6) several times to stop the fight.

(b) (6)



ENCLOSURE (5)

VOLUNTEER STATEMENT FORM

Date/Time: 20160920/1330

Place: Camp Lejeune, NC (b) (6)

Investigating Officer: Captain (b) (6) /0402 USMC

Senior Corpsman: HM2 (b) (6) /8427 USN

Statement:

On Sunday, 21 August 2016, (b) (6) Company, (b) (6) was deployed for training to (b) (6). We were on liberty that evening until 2300. When I returned to the (b) (6) at 2245, I was approached by Captain (b) (6), Captain (b) (6), Staff Sergeant (b) (6), and Gunnery Sergeant (b) (6). They notified me that a physical altercation took place between Corporal (b) (6), Corporal (b) (6), and Lance Corporal (b) (6). From what I was told, words were exchanged between Corporal (b) (6) and Lance Corporal (b) (6), which led to a fight between Lance Corporal (b) (6) and Corporal (b) (6). Corporal (b) (6) intervened and then became involved in the fight himself. Lance Corporal (b) (6) suffered the worst injuries with lacerations to the face and severe bruising. Corporal (b) (6) had minor lacerations to his face, and Corporal (b) (6) injuries were negligible. I suspect alcohol was involved but can not say with absolute certainty. I triaged all three Marines and recommended that Lance Corporal (b) (6) see the (b) (6) Medical Officer first thing the following morning. At approximately 2330, I briefed the (b) (6) Company Commander, Captain (b) (6) and the (b) (6) Company First Sergeant, First Sergeant Adam L. Brown on my recommendations and was dismissed.

On Monday, 22 August 2016, Lance Corporal (b) (6) was evaluated by the (b) (6) medical staff, to include the (b) (6) Medical Officer. He was treated and was recommended that he not participate in RZR training on Monday to prevent infections. At 0900, I briefed Captain (b) (6) and First Sergeant Brown on the recommendations, of which, they concurred. I then proceeded to participate in dive training for the day. At 1700, I was sitting in the Chow Hall on the base. I witnessed Corporal (b) (6) stand up from eating and walked towards the exit of the building. Before he could exit, the Battalion Executive Officer (XO), Major (b) (6), stopped Corporal (b) (6) and spoke with him. I did not hear the words that were exchanged. Corporal (b) (6) then proceeded to exit. When I finished dinner at approximately 1715, I walked to the Boat Maintenance Bay and was approached by First Sergeant Brown. He informed me that the XO was asking Corporal (b) (6) questions about what happened, and he said to me, "I'm letting you know the XO is under the impression that Cpl (b) (6) was treated without the Chain of Command being notified. I let the XO know you had treated Cpl (b) (6) and I just wanted you on the same page in case you are questioned." I was stunned by the comment and perceived it to mean that he wanted everyone to have their stories straight to avoid getting into trouble, and that he wanted me to accept blame for not reporting the incident. Suddenly, he was called by

someone else, and he walked away. I was upset about what was said and approached Master Chief (b) (6) about the issue. When I told him what had happened, he became visibly upset, and went to talk with the XO. The XO talked to both of us about what had happened. At approximately 2100 that evening, Captain (b) (6) approached me and apologized. He stated it was not my responsibility to report what happened to the XO, it was his. Additionally, he stated that when the XO asked about the events that took place, he should have reported it himself.

On Monday, 22 August 2016, the XO obtained statements from the parties involved. The following day, First Sergeant Brown briefly brought up what had happened in conversation. My perception was that he was trying to gauge how I felt about the situation. I told him I was upset about what he had said but was no longer worried about it.

Q1: Do you think First Sergeant Brown was trying to utilize his rank to unjustly influence you to accept responsibility for not reporting the incident to avoid getting into trouble himself?

A1:

I am currently a (b) (6) Corpsman for (b) (6) Company, (b) (6), 2nd Marine Division, Camp Lejeune, North Carolina, 28542. I can be reached at (b) (6).

Signature of Investigating Officer: _____

Signature of Interviewee: _____

PRIVACY ACT STATEMENT

Name: (b) (6)

Rank/Rate: HMZ/E-5

Activity: US Navy

Unit: (b) (6)

Telephone number: (b) (6)

Today, 20 Sept, 2016, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651-2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

- a. Determinations on disciplinary or punitive action.
- b. Evaluation of petitions, grievances, and complaints.
- c. Other determinations, as required, in the course of naval administration.
- d. Public information releases.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlements, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

- a. Where an individual is a subject of an investigation for purpose 2a, above:

Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the

ENCLOSURE (6)

[personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be on the basis of the evidence that is contained in the investigative record.

(b) (6)

A large black rectangular redaction box covers the signature and date area.

(Signature and date)

ENCLOSURE (6)

(b) (6) Capt (b) (6)

From: (b) (6) Maj (b) (6)
Sent: Tuesday, September 13, 2016 11:19
To: (b) (6) Capt (b) (6)
Subject: FW: [Non-DoD Source] RE: Statement
Signed By: (b) (6)

Respectfully Submitted,
Major (b) (6)

Executive Officer

(b) (6)
Office: (b) (6)

-----Original Message-----

From: (b) (6) Maj (b) (6)
Sent: Monday, August 22, 2016 11:22 PM
To: (b) (6)
Subject: RE: [Non-DoD Source] RE: Statement

thanks

From: (b) (6) (b) (6)
Sent: Monday, August 22, 2016 11:15 PM
To: (b) (6) Maj (b) (6)
Subject: [Non-DoD Source] RE: Statement

On 21 Aug 2016 at 2245 I, (b) (6), upon returning from liberty, was notified by Captain (b) (6) that two marines had been engaged in a fight. I immediately responded by moving to the most severely injured marines room. Upon entering the room, I found LCpl (b) (6) with multiple abrasions, lacerations and edema to the right side of his face. He reported being in a fight in which he was hit numerous times in the face by another marine. After performing multiple tests, and notifying the (b) (6) Battalion Aid Station, Lcpl (b) (6) was given supportive care and placed under observation until he was seen by the Physician at the aid station at 0830, 22Aug2016. After checking on the wellness of the other marine involved and clearing him for full duty, I reported back to Captain (b) (6) and Captain (b) (6). Ssgt (b) (6), Captain (b) (6), and Captain (b) (6) notified me we were going to notify Captain (b) (6) of the current situation. Around 2330, Captain (b) (6) was notified of the incident and asked me to report. I notified him of the Marines injuries and the plan for treatment. I then reported back to my room for the night and continued medical care for Lcpl (b) (6). Lcpl (b) (6) was further examined by the (b) (6) Naval Physician at 0845 on 22Aug2016. At 0930, Hm2 (b) (6) and myself reported to Captain (b) (6) and 1SGT Brown at the (b) (6) Boathouse that Lcpl (b) (6) was cleared for duty but advised to exert minimal effort throughout the day. Under the direction of Captain (b) (6), the matter was closed as being an internal affair handled by the company. At 1820 on 22Aug2016, I was approached by 1st Sgt Brown at the boat locker. 1st Sgt Brown reminded me that the matter had been internal and handled at the company level. 1st Sgt Brown then explained that Major (b) (6) had not been notified of the situation and was starting to ask questions upon seeing the injured marines during chow. 1st Sgt Brown explained that Major (b) (6) had questioned why the injured marine had been treated by myself but none of the chain of command knew the situation. He then stated that he had reported to Major (b) (6) that I had treated the marine and wanted me to be on the same

page in case I was questioned so I didn't feel like I was "getting thrown under the bus." 1st Sgt Brown did not elaborate on what his last statement meant and the conversation ended. After careful consideration, I contacted (b) (6) at 1845 and notified him of the events that had transpired. Under his guidance, we approached Major (b) (6) and notified him of current situation up to that time.

V/r

Hm2 (b) (6) (b) (6)

(b) (6) COMPANY (b) (6)

EMAIL: (b) (6) <mailto:(b) (6)>

PHONE: (b) (6)

VOLUNTEER STATEMENT FORM

Date/Time: 20160922/0800

Place: Camp Lejeune, NC (b) (6)

Investigating Officer: Captain (b) (6) /0402 USMC

Senior Corpsman: Major (b) (6) /0302 USMC

Statement: I was in (b) (6) from 18 Aug to 12 Sept as the Officer in Charge for the (b) (6). It came to my attention that there was an altercation involving Cpl (b) (6) while at dinner on 20160822 at approximately 1730.

While at dinner I observed a Marine with the entire right side of his face swollen from his forehead to jaw. After coming out of the scullery, I was able to get the Marines attention and asked what happened to his face. I was sitting next to 1stSgt Brown. The Marine stated that he was in a fight. I asked Brown if he was aware of the incident. His response was "no". I told 1stSgt Brown that if he was unaware that he has issues with corpsmen, since this Marine obviously had received medical attention. He agreed and said he would handle it.

Less than an hour later at approximately 1830 HM2 (b) (6) and (b) (6) (b) (6) came to my stateroom to inform me of a conversation between (b) (6) and Brown. After my dinner, Brown had approached (b) (6) and said "the XO is asking questions about (b) (6)". Specifically, Brown told (b) (6) to lie about informing the chain of command if I asked him, referencing throwing (b) (6) "under the bus". (b) (6) wasn't comfortable with the conversation with 1stSgt and immediately went to (b) (6) (b) (6) for advice, in which he brought him to my room. Doc also stated that he informed Capt (b) (6) after he had treated (b) (6) and (b) (6) the previous evening with both platoon commanders, Capt (b) (6) and Capt (b) (6). He also said that both platoon sergeants went to 1stSgt Brown at the same time. (b) (6) needed to be seen the next day by the (b) (6) Medical Officer and would be watched through the night.

After my conversation with Doc, I called and informed LtCol (b) (6) of the incident, specifically that I believed the Company Commander and Company 1stSgt were lying, being deceitful, and covering up an incident. I was instructed to get statements and establish a timeline of the incident.

I immediately read Captain (b) (6) and 1stSgt Brown their rights and had them right statements involving the incident through Brown's conversation with HM2 (b) (6). Both statements from Capt (b) (6) and 1stSgt Brown have notification from Plt Co's and Plt Sgts between 2315 and 2330. HM2 (b) (6) stated that he informed Capt (b) (6) at 2330 with the Plt Co's of the incident. This was after I was notified that everyone was accounted for and no incidents had occurred that evening from 1stSgt Brown.

After Capt (b) (6) was notified of an altercation and a Marine needing medical treatment and that the Marine was able to train the following day, he never inquired into why it happened until I started asking questions about the incident at dinner the following evening.

In Capt (b) (6) statement he eluded to his back being turned to the Marine and not seeing his face until I called Cpl (b) (6) to the table. All of which is true. But he felt compelled to be silent about the incident because he didn't know the reason why it happened.

After receiving both statement, Brown left out his conversation with HM2 (b) (6). I had him add in the conversation. Statements between both of these individuals didn't match. When I asked Brown why he wasn't truthful with me at dinner, he responded that he felt the "head shed would over react". When I asked Capt (b) (6) the same question he responded "he didn't think it was important enough to report".

Personal Opinion:

1stSgt Brown has trust issues with higher HQ coupled with protecting his company commander. I pointed this out to him after reading his statement. Specifically, protecting his company commander should have been pushing him to report the incident and any trust issues with higher HQ will multiplied if higher has trust issue with you. Comparing (b) (6) statement to 1stSgt Brown's, there are some discrepancies. Specifically, how the conversation at 1820 on 20160822 went.

Captain (b) (6) has trust issues as well. Whether he says it or not. His claim that "he didn't think that it was important enough to report", was nullified when I asked him other situations that a Marine had to seek higher echelon of care outside of his company and it wasn't reported.

I am currently the (b) (6) for (b) (6), 2nd Marine Division, Camp Lejeune, North Carolina, 28542. I can be reached at (b) (6).

Signature of Investigating Officer: _____

(b) (6)

Signature of Interviewee: _____

(b) (6)

PRIVACY ACT STATEMENT

Name: (b) (6) Rank/Rate: MAJOR/OW
Activity: USMC Unit: (b) (6)
Telephone number: (b) (6)

Today, 22 Sept, 2016, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651-2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

- a. Determinations on disciplinary or punitive action.
- b. Evaluation of petitions, grievances, and complaints.
- c. Other determinations, as required, in the course of naval administration.
- d. Public information releases.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlements, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

- a. Where an individual is a subject of an investigation for purpose 2a, above:

Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the

ENCLOSURE (8)

[personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be on the basis of the evidence that is contained in the investigative record.

(b) (6)



ENCLOSURE (8)

VOLUNTEER STATEMENT FORM

Date/Time: 20160921/1430

Place: Camp Lejeune, NC (b) (6)

Investigating Officer: Captain (b) (6) /0402 USMC

Interviewee: Corporal (b) (6) /0321 USMC

Statement:

On 21 August 2016, I was deployed-for-training as part of the 2016 (b) (6), aboard the (b) (6) base in (b) (6). That evening was our first night of liberty and a group of us travelled to the (b) (6) area of (b) (6) to enjoy our time off. Upon our return that same evening, a verbal argument arose between Corporal (b) (6) and I inside the rental van. Tempers flared, and when we returned to the base, we got into a physical altercation and punched each other several times. Lance Corporal (b) (6) attempted to intervene, however, he also punched me a couple of times. Others that were present broke up the fight and everyone went their separate ways. Later that evening, HM2 (b) (6) treated my wounds and I reported to the (b) (6) medical facility on base the following morning for further evaluation and treatment.

On 22 August 2016, I was stopped by Major (b) (6), the (b) (6), at evening chow. He noticed the bruising on my face and asked what happened. I told him the events that transpired and that everything was fine between (b) (6), (b) (6), and I. I left immediately afterwards.

I am good friends with Lance Corporal (b) (6) and Corporal (b) (6). There is currently no animosity between us.

Q1: How much alcohol did you consume that evening?

A1: 4 beers.

Q2: Did the other two Marines involved in the fight consume approximately the same amount of alcohol?

A2: Yes.

Q3: What wounds did you sustain? Were any of the wounds permanent?

A3: 2 black eyes, none of the wounds were permanent.

Q4: After you spoke with Major (b) (6), did you hear anything said between him and First Sergeant Adam L. Brown or Captain (b) (6)?

A4: No.

I am currently a (b) (6) Marine for (b) (6) Company, (b) (6), 2nd
Marine Division, Camp Lejeune, North Carolina, 28542. I can be reached at (b) (6).

Signature of Investigating Officer:

(b) (6)

Signature of Interviewee:

(b) (6)

PRIVACY ACT STATEMENT

Name: (b) (6)

Rank/Rate: CORPORAL/E-4

Activity: USMC

Unit: (b) (6)

Telephone number: (b) (6)

Today, 21 SEPT, 2016, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651-2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

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- a. Determinations on disciplinary or punitive action.
- b. Evaluation of petitions, grievances, and complaints.
- c. Other determinations, as required, in the course of naval administration.
- d. Public information releases.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlements, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

- a. Where an individual is a subject of an investigation for purpose 2a, above:

Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the

ENCLOSURE (9)

[personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be on the basis of the evidence that is contained in the investigative record.

(b) (6)

A large black rectangular redaction box covers the signature and date area.

(Signature and date)

ENCLOSURE (9)

(b) (6)

COMPANY COMMANDER INITIAL COUNSELING

PART I: ADMINISTRATIVE DATA			
Name (Last, First, MI)	Rank/Grade	Social Security Number	Date of Counseling
Organization (b) (6)		Name & Title of Counselor (b) (6), Commanding Officer	
PART II: BACKGROUND INFORMATION			
Purpose of counseling: The purpose of this document is to record the initial counseling of _____. This counseling was conducted on _____, between LtCol (b) (6) and _____. The purpose of this initial counseling is to identify and define the standards and priorities I expect.			
PART III: SUMMARY OF COUNSELING			
Key Points of Discussion:			
<p>1. Bottom Line Up Front: When in charge, Take Charge. When following, support the Leader. Your number one responsibility is to train and lead your Marines for combat. Create opportunities, approach every problem as an opportunity to excel, don't make excuses, be proactive, and have a positive attitude.</p> <p>2. Commander's Critical Information Requirements. Remember that bad news does not get better with time. Keep me informed. I may not act on everything I know, but I thrive on information.</p> <ul style="list-style-type: none">a. Marine or sailor in hands of civilian authorities (IHCA) or PMO.b. Any fatality of Battalion member or dependent.c. Hospitalization of a Battalion member.d. Any hazing incident.e. Any suicidal ideation or attempt.f. Major disturbance in barracks or living quarters (even if PMO is not involved).g. Loss of weapon or serialized equipment.h. Security compromise (loss of classified information).i. Vehicle accident (government or rental vehicles).			
<p>3. Leadership</p> <ul style="list-style-type: none">a. Know yourself, define your character and lead from there. The Corps Values are where to start.b. Be disciplined, exude discipline, and demand discipline. Self-discipline is a key indicator of a unit's professionalism and capability. A unit's discipline starts in garrison. <u>I expect your unit to exhibit self-discipline at all times, no matter what the environment.</u> I expect SNCOs to fill the role as my primary enforcers of discipline. If they are not doing it I expect you to step up. Make on the spot corrections whenever and wherever they are needed. The standard is the standard, it's non-negotiable whether they are T&R tasks or Marine Corps Tasks. I expect your standards to be my standards, which are the Marine Corps Standards. We will concentrate on this everyday with every task, on and off duty. We will constantly and consistently train and retrain the highest possible standard of military discipline. This will take moral courage.c. I expect you to be "overly" disciplined and courteous when dealing with Marines and Sailors that work outside of your Company. I expect you to hold your Marines to the same. Perception is reality. Don't meet the standard, exceed it.d. Solve problems at the lowest level while keeping me informed. <u>Every problem is an opportunity in disguise. We have to look at problems in that light and work tirelessly to reap their benefits. Remember - you earn your paycheck by solving problems. With every problem you raise up the chain of command, I'll expect suggested solutions to immediately follow.</u>e. Never compromise your position as a leader. Remember that the men are always observing you. You will lead them into life and death situations; ensure you maintain that credible position.			

obtain copy from Training

- f. Counsel your Marines. Know and adhere to the USMC and Bn Policy on counseling. It's your responsibility to inform your Marines of the standards they'll be held to and to provide them feedback on how they're doing. Document those things your Marines do well and those things they don't do well. I will do battle on your behalf up, down, inside and outside the chain of command when you have done your homework.
- g. Yours and mine is a position of responsibility, not privilege.
- h. Inspect, don't expect. It's not a trust issue; it's a leadership issue.
- i. Enforce all orders of your superiors. Avoid "the CO/XO said". Once an order is issued, you must issue it to your subordinates as if it were your own, regardless of what you think or feel. All debate is over once an order is issued. Never issue an order without first consulting those who will execute it.
- j. Know the unit's weapons and equipment.
- k. Be technically and tactically proficient.
- l. Capitalize on your strengths; identify your weaknesses and work on them.
- m. Teach something every day and learn something every day.
- n. Work hard every day. Don't waste time – yours, the Marines' or mine.
- o. The Chain of Command is sacred and non-negotiable. Don't let ours be violated and don't violate other chains as I hold their chain as sacred as I hold my own. We will not have a subversive Chain of Command.
- p. Positive things don't happen in a negative environment. Always display a positive attitude.

4. Training

- a. The priority for training in this unit is the T&R and our Core Activities. All other training is secondary and will be prioritized as such. Know the T&R, individual and collective standards and train to standard, not time.
- ~~b. We are bound by the T&R and are self-sufficient for most of our support. However, we are "dead in the water" without -- support from higher headquarters. Therefore, we are really not masters of our own destiny when it comes to accomplishing mission. Paragraph 3(o), the chain of command applies, as we require support from agencies that don't work for us to do our job. We can request, not direct. Ammo won't show up, transportation will be late, and a myriad of other things will "go wrong" during training. Always have a back up plan for training.~~
- c. In order to grow, you have to push outside your comfort zone. Training in this unit will be planned so it is hard and pushes us to a higher standard.
- d. Thorough, detailed planning, effective supervision and aggressive execution are the ingredients for good training. I'll expect nothing less. Have a solid, well thought out plan and be ready for hard questions. Cancelled training/instruction due to poor planning won't be tolerated.
- e. Train Marines to be WARRIORS in deed and in spirit. That means be very hard, but very fair with them. "Milk-toast" or "Grass Eater" type individuals don't tend to do well when the killing begins.
- f. Know and abide by all SOPs. - *Bn SOPs? → got from Training/MTWS*
- g. Safety is inherent in all our training plans. Ours is a dangerous business and we have to push our limits in order to ready Marines for combat. There is nothing we do here training wise that is exceptionally out of the ordinary from what happens week in and week out when regular fleet units are training. It's the leader's responsibility to develop comprehensive, detailed safety plans to minimize the risk associated with training. Know, use and brief ORM when planning and conducting training.
- h. Make excuses to train. I will gladly reel you in vs. having to kick you out.
- i. The most important part of any exercise is the critique. You'll be expected to conduct and compile AARs for all training executed and document the lessons learned.

j. Genuine mistakes will be welcomed, captured in AARs and learned from. When making mistakes however, err on the side of action rather than inaction. Repeated mistakes and mistakes that are contrary to our Core Values will not be tolerated.

k. No magic ammo! Ammunition will not be stored in the barracks, ISO area or unit areas under any circumstances. All unexpended ammunition will be turned into the ASP. Thorough shakedowns Marines after training with ammo is The Standard.

5. Accountability and Maintenance

- a. 100% accountability of Marines, weapons, ammo and equipment is The Standard. Achieve it. We will not lose serialized gear in this unit.
- b. Leaders will plan to achieve a balance between training and maintenance and hold them equally important. Our weapons and gear will keep us making mission, we have to take care of them. Don't skimp on maintenance or accountability, I'll check on it. When returning from the field, turn to on the weapons and equipment before anything else. Maintenance will be continuous, both in garrison and in the field.

6. Welfare of our Marines. Our Marines are our most precious asset. I firmly believe that the best way we can take care of them is to ensure they survive combat by effectively training them. Paragraph three applies in addition to:

- a. Know our Marines and what is going on in their lives. Be proactive. Make your Marines' personal and professional problems your own problems and resolve them at the lowest level possible while keeping the chain of command informed.
- b. Guard your Marine's time like it is your own: don't waste it. Gainfully employ them at all times.

7. I thoroughly enjoy:

- a. Modest, competent, professional warriors who live by deeds, not bravado or words.
- b. Customs and courtesies of the United States Marine Corps.
- c. "Catching" Marines doing the right thing.
- d. Initiative at all levels.
- e. Marines who step up and take responsibility when things don't go well.
- f. Marines making on the spot corrections of Marines.
- g. Well-planned, resourced, aggressive training.
- h. Challenging PT.
- i. Marines going the extra mile for their Marines and buddies.

8. My pet peeves include:

- a. Not being informed or "in the loop".
- b. Braggarts.
- c. Poorly planned, poorly supported, and poorly executed training.
- d. Disorganization, unpreparedness and incompetence on any level.
- e. Laziness, lack of effort, or negligence.
- f. Sea Lawyers.
- g. Lack of discipline, lack of military courtesy, lack of respect at any level.
- h. Non-uniformity, sloppiness and un-cleanliness of Marines and our unit areas.
- i. Wasted time.
- j. Missed suspense dates.
- k. Lack of attention to detail in work submitted to me.
- l. "School Hounds".
- m. Hearing "that's the way its always been done" as the only reason for doing something. The most successful organizations in the world got that way by being able to adapt and change how they operate based on current conditions and situations.

9. "I consider the following "leader KIA issues":

- a. Lying to or misleading me or a senior leader.
- b. Disloyalty to our leaders or their policies, our unit, our country or our Corps values.
- c. Drug and alcohol related incidents.
- d. Thievery.
- e. Physical fitness / overweight issues not being taken seriously and dealt with quickly and to standard.
- f. Lazy, negligent leaders.

Session Closing:

Individual counseled: ☒ I agree ☐ disagree with the information above.

Individual counseled remarks: *NONE.*

(b) (6)

Signature of Individual Counseled: _____ Date: 20160127

Leader Responsibilities: *(Leader's responsibilities in implementing the plan of action).*

Signature of Counselor: _____ Date: _____

PART IV: ASSESSMENT

Assessment:

NOTE: Both the counselor and the individual counseled should retain a record of the counseling.

(b) (6) Capt (b) (6)

From: (b) (6) Sgt (b) (6)
Sent: Friday, September 23, 2016 11:08
To: (b) (6) Capt (b) (6)
Subject: RE: Adverse Material
Signed By: (b) (6)

Sir they don't have any negative paperwork.

-----Original Message-----

From: (b) (6) Capt (b) (6)
Sent: Friday, September 23, 2016 10:48 AM
To: (b) (6) Sgt (b) (6)
Subject: Adverse Material

Sgt (b) (6),

Could you please check Captain (b) (6) and 1stSgt Brown's record for adverse material such as 6105's, NJP's, Courts-martial, etc? The purpose is for a preliminary inquiry.

Please let me know if you have any questions or concerns, thank you.

Respectfully,

Captain (b) (6)
(b) (6)
(b) (6)

CORPORAL (b) (6) INJURIES TO THE FACE AFTER A PHYSICAL ALTERCATION IN
(b) (6) ON 21 AUGUST 2016

(b) (6)



ENCLOSURE (12)